



General Assembly

February Session, 2002

Raised Bill No. 5539

LCO No. 1874

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING MERCURY EDUCATION AND REDUCTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2002*) The General Assembly finds
2 that mercury is a persistent and toxic pollutant that bioaccumulates in
3 the environment, and that in order to create and maintain a healthful
4 environment and protect public health, the virtual elimination of the
5 discharge of anthropogenic mercury should be pursued.

6 Sec. 2. (NEW) (*Effective July 1, 2002*) As used in sections 1 to 17,
7 inclusive, of this act:

8 (1) "Mercury" means elemental mercury and mercury compounds;

9 (2) "Mercury-added product" means a product, commodity,
10 chemical or component of a product that contains mercury that is
11 intentionally added to the product, commodity, chemical or
12 component for any reason. "Mercury-added product" includes, but not
13 limited to, formulated mercury-added products and fabricated
14 mercury-added products. "Mercury-added product" does not include
15 any packaging component, as defined in subdivision (3) of section 22a-

16 255h of the general statutes;

17 (3) "Formulated mercury-added product" means a mercury-added
18 product that is sold as a consistent mixture of chemicals, including, but
19 not limited to, laboratory chemicals, materials used for cleaning,
20 maintenance or disinfection, cosmetics, pharmaceuticals, coating
21 materials, acids, alkalites, bleach, pharmaceutical products, stains,
22 reagents, preservatives, fixatives, buffers and dyes;

23 (4) "Fabricated mercury-added product" means a mercury-added
24 product that consists of a combination of individual components that
25 combine to make a single unit, including, but not limited to, mercury-
26 added measuring devices, lamps and switches;

27 (5) "Mercury fever thermometer" means a mercury-added product
28 that is used for measuring body temperature, excluding a digital
29 thermometer that includes a button cell battery containing mercury;

30 (6) "Mercury-added novelty" means a mercury-added product
31 intended mainly for personal or household enjoyment or adornment,
32 including, but not limited to, products intended for use as practical
33 jokes, figurines, adornments, toys, games, cards, ornaments, yard
34 statues and figures, candles, jewelry, holiday decorations or footwear
35 or other items of apparel. A product is not a "mercury-added novelty"
36 solely on the basis that it includes a removable button cell battery
37 containing mercury;

38 (7) "Manufacturer" means any person that (A) produces a mercury-
39 added product, or (B) serves as an importer or domestic distributor of
40 a mercury-added product produced outside the United States. In the
41 case of a multi-component product, "manufacturer" means the last
42 manufacturer to produce or assemble the product, unless the multi-
43 component mercury-added product is produced outside the United
44 States, in which case "manufacturer" means the importer or domestic
45 distributor;

46 (8) "Person" means any individual, organization, partnership, joint
47 venture, association, firm, limited liability company, corporation or
48 other entity, and includes a municipality, the federal government, the
49 state or any instrumentality of the state, or other governmental entity
50 and any officer or governing or managing body of any partnership,
51 association, firm or corporation or any member or manager of a
52 limited liability company;

53 (9) "School" means a public school, as defined in section 10-183b of
54 the general statutes or a private elementary or secondary school,
55 attendance at which meets the requirements of section 10-184 of the
56 general statutes;

57 (10) "Vehicle" means any device capable of being moved upon a
58 public highway and any device in, upon or by which any person or
59 property is or may be transported or drawn upon a public highway,
60 but does not include devices moved by human or animal power or
61 used exclusively upon stationary rails or tracks;

62 (11) "Scrap metal" means used or discarded items that consist
63 predominantly of ferrous metals, aluminum, brass, copper, lead,
64 chromium, tin, nickel or alloys;

65 (12) "Solid waste" means unwanted or discarded solid, liquid,
66 semisolid or contained gaseous material, including, but not limited to,
67 demolition debris, material burned or otherwise processed at a
68 resources recovery facility or incinerator, material processed at a
69 recycling facility sludges or other residue from a water pollution
70 abatement facility, water supply treatment plan or air pollution control
71 facility;

72 (13) "Commissioner" means the Commissioner of Environmental
73 Protection;

74 (14) "Department" means the Department of Environmental
75 Protection;

76 (15) "Pollution abatement facility" means any equipment, plant,
77 treatment works, structure, machinery, apparatus or land or any
78 combination thereof, acquired, used, constructed or operated for the
79 storage, collection, reduction, recycling, reclamation, disposal,
80 separation or treatment of water or wastes, or for the final disposal of
81 residues resulting from the treatment of water or wastes, including,
82 but not limited to, (A) pumping and ventilating stations, facilities,
83 plants and works; (B) outfall sewers, interceptor sewers and collector
84 sewers; and (C) other real or personal property and appurtenances
85 incident to such facilities' use or operation;

86 (16) "Subsurface sewage disposal system" means a system consisting
87 of a house or collection sewer, a septic tank followed by a leaching
88 system, any necessary pumps or siphons and any groundwater control
89 system on which the operation of the leaching system is dependent.

90 Sec. 3. (NEW) (*Effective July 1, 2002*) The commissioner may
91 participate in the establishment and implementation of a regional,
92 multi-state clearinghouse to assist in carrying out the requirements set
93 forth in sections 1 to 17, inclusive, of this act and to help coordinate
94 reviews of the manufacturers' notifications regarding mercury-added
95 products, applications for phase-out exemptions, collection system
96 plans, disclosures of mercury content, applications for alternative
97 labeling or notification systems or both, education and outreach
98 activities, and any other functions related to sections 1 to 17, inclusive,
99 of this act. The clearinghouse may also maintain a list of all products
100 containing mercury, including mercury-added products, a file on all
101 exemptions granted by the states including, but not limited to, the
102 exemptions in section 7 of this act, notification requirements by
103 manufacturers including, but not limited to, the notification
104 requirements contained in section 4 of this act, and a file of
105 manufacturers' reports on the effectiveness of their collection systems.

106 Sec. 4. (NEW) (*Effective July 1, 2002*) (a) On and after January 1, 2003,
107 no person shall offer any mercury-added product for sale or use by

108 any means, including e-commerce, or distribute for promotional
109 purposes in the state unless the manufacturer gives prior notification
110 in writing to the commissioner as provided in this section. Such
111 notification, in a form prescribed by the commissioner, shall at a
112 minimum include (1) a brief description of the product or category of
113 products to be offered for sale or use or distributed; (2) an
114 identification of each product by its mercury content in one of the
115 following ranges: Less than zero to five milligrams, greater than five
116 milligrams to ten milligrams, greater than ten milligrams to fifty
117 milligrams, greater than fifty milligrams to one hundred milligrams,
118 greater than one hundred milligrams to one thousand milligrams and
119 greater than one thousand milligrams; and (3) the name and address of
120 the manufacturer and the name, address and phone number of a
121 contact person at the manufacturer. The manufacturer shall revise the
122 information in the notification whenever there is significant change in
123 the information or when requested by the commissioner.

124 (b) Any mercury-added product for which federal law preempts
125 state authority over notice requirements is exempt from the
126 requirements of this section.

127 (c) With the approval of the commissioner, the manufacturer may
128 supply the information required in subdivisions (1) to (4), inclusive, of
129 subsection (a) of this section for a product category rather than an
130 individual product.

131 (d) Public disclosure of trade secrets submitted to the commissioner
132 pursuant to this section shall be governed by the provisions of chapter
133 14 of the general statutes. Notwithstanding the provisions of said
134 chapter 14, the commissioner may provide the interstate clearinghouse
135 with copies of such information and the commissioner and the
136 interstate clearinghouse may compile or publish analyses or
137 summaries of such information, provided the analyses or summaries
138 do not identify any manufacturer or reveal any confidential
139 information.

140 Sec. 5. (NEW) (*Effective July 1, 2002*) (a) Notwithstanding the
141 provisions of section 6 of this act, on and after July 1, 2003, no person
142 shall offer for sale or use by any means, including e-commerce, or
143 distribute for promotional purposes in the state any mercury-added
144 novelty. A manufacturer that produces or sells mercury-added
145 novelties shall notify retailers that sell mercury-added novelties about
146 such product ban and inform such retailers of how to dispose of the
147 remaining inventory in accordance with chapter 445 of the general
148 statutes.

149 (b) Notwithstanding the provisions of section 6 of this act, on and
150 after January 1, 2003, no person shall offer for sale or use by any
151 means, including e-commerce, or distribute for promotional purposes
152 mercury fever thermometers except by prescription written by a
153 physician. A manufacturer of mercury fever thermometers shall
154 provide the buyer or the recipient with notice of mercury content,
155 instructions on proper disposal and instructions that clearly describe
156 how to carefully handle the thermometer to avoid breakage and on
157 proper cleanup should a breakage occur.

158 (c) On and after July 1, 2003, no school shall use or purchase for use
159 or maintain inventories of bulk elemental mercury or mercury
160 compounds. A manufacturer that produces, sells or distributes such
161 materials shall notify schools about the provisions of this subsection in
162 accordance with chapter 445 of the general statutes and instruct
163 schools how to dispose of the remaining inventory properly. Mercury-
164 added products other than bulk elemental mercury compounds are
165 excluded from this subsection. The Commissioner of Environmental
166 Protection, in consultation with the Commissioner of Education, shall
167 examine the feasibility of implementing a program for the collection of
168 bulk elemental mercury or mercury compounds at schools.

169 (d) On and after July 1, 2003, no vocational dental education or
170 training school shall use mercury amalgam unless such school has
171 developed and implemented a plan approved by the commissioner

172 that assures best management practices are used to prevent discharge
173 of mercury into the waters of the state, any pollution abatement facility
174 or subsurface sewage disposal system, and to properly handle and
175 recycle or dispose of waste elemental mercury and amalgam. Such
176 plan shall provide for an education program for students regarding the
177 hazards of mercury and best management practices.

178 (e) Notwithstanding the provisions of section 6 of this act, on and
179 after July 1, 2003, no person shall offer for sale or use by any means,
180 including e-commerce, or distribute for promotional purposes mercury
181 dairy manometers. A manufacturer that produce or sell mercury dairy
182 manometers shall notify retailers about the provisions of this
183 subsection and how to dispose of the remaining inventory properly in
184 accordance with chapter 445 of the general statutes. The Commissioner
185 of Environmental Protection, in consultation with the Commissioner of
186 Agriculture, shall examine the feasibility of implementing a collection
187 and replacement program for dairy manometers, and shall implement
188 such a program within available appropriations.

189 Sec. 6. (NEW) (*Effective July 1, 2002*) (a) Except as provided in section
190 7 of this act, no person shall offer for sale or use by any means,
191 including e-commerce, or distribute for promotional purposes any
192 mercury-added product if: (1) After July 1, 2004, the mercury content
193 of the product exceeds one gram in the case of fabricated mercury-
194 added products or two hundred fifty parts per million in the case of
195 formulated mercury-added products; (2) on and after July 1, 2006, the
196 mercury content of the product exceeds one hundred milligrams in the
197 case of fabricated mercury-added products or fifty parts per million in
198 the case of formulated mercury-added products; and (3) after July 1,
199 2008, the mercury content of the product exceeds ten milligrams in the
200 case of fabricated mercury-added products or ten parts per million in
201 the case of formulated mercury-added products.

202 (b) In the case of a product that contains one or more mercury-
203 added products as a component, the phase-out limits specified in

204 subsection (a) of this section apply to each component part or parts
205 and not to the entire product.

206 (c) For a product that contains more than one mercury-added
207 products as a component, the phase-out limits specified in subsection
208 (a) of this section apply to each component.

209 Sec. 7. (NEW) (*Effective July 1, 2002*) (a) On or before June 30, 2009,
210 fluorescent lamps are exempt from the provisions of subsection (a) of
211 section 6 of this act. On and after July 1, 2010, no person shall offer for
212 sale or use by any means, including e-commerce, or distribute for
213 promotional purposes, fluorescent lamps if the mercury content of the
214 fluorescent lamps (1) exceeds ten milligrams, or (2) does not comply
215 with the exemption requirements pursuant to subsection (a) of section
216 6 of this act.

217 (b) The commissioner shall exempt a mercury-added product from
218 the limits on total mercury content set forth in subsection (a) of section
219 6 of this act if the level of mercury or mercury compounds contained in
220 the product are necessary to comply with federal or state health or
221 safety requirements. In order to obtain an exemption under this
222 subsection, the manufacturer shall provide the commissioner with
223 justification for the claim of such exemption.

224 (c) A manufacturer of a mercury-added product or category of
225 products may apply to the commissioner for a modified or conditional
226 exemption for no more than two years from the limits on total mercury
227 content set forth in subsection (a) of section 6 of this act:

228 (1) The manufacturer shall apply for such an exemption (A) no later
229 than one year before the effective date of the limit for which the
230 exemption is being requested in the case of an existing product or
231 category of products, or (B) prior to the sale or use by any means,
232 including e-commerce, or distribution in the case of promotional
233 purposes of a new product or category of products.

234 (2) An application for a modified or conditional exemption shall (A)
235 document the basis for the requested exemption or renewal of
236 exemption, (B) describe how the manufacturer will ensure that a
237 system exists for the proper collection, transportation and processing
238 of the product or products at the end of their useful life, and (C)
239 document the capability of all parties that are necessary to such system
240 to perform as intended in such system.

241 (3) The commissioner may grant a modified or conditional
242 exemption for a product or category of products upon finding (A) that
243 a system exists for the proper collection, transportation and processing
244 of the mercury-added product, including, but not limited to, a system
245 for the direct return of a waste product to the manufacturer or a
246 collection and recycling system that is supported by an industry or
247 trade group, or other similar private or public sector efforts; and (B)
248 that each of the following criteria is met: (i) Use of the product is
249 beneficial to the environment or protective of public health or
250 protective of public safety; (ii) there is no technically feasible
251 alternative to use of mercury in the product; (iii) there is no
252 comparable product, other than a mercury-added product, available at
253 reasonable cost; and (iv) with respect to a renewal of an exemption,
254 reasonable efforts have been made to remove mercury from the
255 product.

256 (4) Prior to issuing a modified or conditional exemption, the
257 commissioner may consult with states and provinces and regional
258 governmental organizations to promote consistency in the
259 implementation of this section.

260 (5) The commissioner may renew, for a period of no longer than two
261 years, a modified or conditional exemption one or more times if (A)
262 the manufacturer applies for the renewal, and (B) the commissioner
263 finds that the manufacturer meets the requirements for such
264 exemption as provided in this section and that the manufacturer has
265 complied with all the conditions of the original approval.

266 Sec. 8. (NEW) (*Effective July 1, 2002*) (a) On and after July 1, 2004, no
267 person shall offer for sale or use by any means, including e-commerce,
268 or distribute for promotional purposes any mercury-added product
269 unless both the product and its packaging are labeled in accordance
270 with this section, any regulations adopted pursuant to this section or
271 the terms of any approved alternative labeling or notification granted
272 under subsection (h) of this section. A retailer shall not be found in
273 violation of this subsection if the retailer lacked knowledge that the
274 product contained mercury.

275 (b) If a mercury-added product is a component of another product,
276 the product containing the component and the component shall both
277 be labeled as provided in this section. The label on a product
278 containing a mercury-added component shall identify the component
279 with sufficient detail so that the component may be readily located for
280 removal.

281 (c) All labels shall be clearly visible prior to sale and shall inform the
282 purchaser, using words or symbols, that mercury is present in the
283 product and that the product should not be disposed of or placed in a
284 waste stream destined for disposal until the mercury is removed and
285 reused, recycled or otherwise managed to ensure that the mercury in
286 the product does not become mixed with other solid waste or the
287 waters of the state or is disposed in a pollution abatement facility or
288 subsurface sewage disposal system.

289 (d) Labels affixed to the product shall be constructed of materials
290 that are sufficiently durable to remain legible for the useful life of the
291 product.

292 (e) On and after July 1, 2004, any person offering a mercury-added
293 product for sale or use by any means, including e-commerce, or
294 distributing such product for promotional purposes shall clearly
295 advise in writing the purchaser or recipient prior to the time of sale,
296 use or distribution that the product contains mercury. This
297 requirement applies to all transactions in which the purchaser or

298 recipient is unable to view the labels on the package or the product
299 prior to purchase or receipt, including, but not limited to, catalog,
300 telephone and e-commerce transactions.

301 (f) The manufacturer of a product shall be responsible for product
302 and package labels required under this section, unless the wholesaler
303 or retailer agrees in writing to accept the responsibility of
304 implementing an alternative to the labeling requirements of this
305 section approved under subsection (h) of this section.

306 (g) (1) Manufacturers shall meet all the requirements of this section
307 for large appliances, including, but not limited to, washers, dryers,
308 ovens, including microwave ovens, refrigerators, air conditioners,
309 dehumidifiers or portable heaters sold in a store where such appliance
310 is on display, except that no package labeling is required; (2)
311 manufacturers shall meet all the requirements of this section for
312 mercury fever thermometers, except that no product labeling is
313 required; (3) in the case of vehicles, (A) manufacturers shall meet the
314 product labeling requirements of this section for vehicles by placing a
315 label on the door of the vehicles that lists the mercury-added
316 components that may be present in the vehicle, and (B) manufacturers
317 need not label the mercury-added components of the vehicle; (4)
318 manufacturers shall met all the requirements of this section for button
319 cell batteries containing mercury, except that no product labeling is
320 required; and (5) in the case of products that contain button cell
321 batteries containing mercury as the only mercury components, (A)
322 manufacturers shall meet the packaging requirements of this section
323 by including a label in the product instructions, if any, and on the
324 packaging, and (B) no product labeling is required.

325 (h) (1) A manufacturer may apply to the commissioner for an
326 alternative to the requirements of subsections (a) to (g), inclusive, of
327 this section if: (A) Compliance with the requirements is not feasible; (B)
328 the proposed alternative would be at least as effective in providing
329 presale notification of mercury content and in providing instructions

330 on proper disposal; or (C) federal law preempts state authority over
331 labeling.

332 (2) Applications for an alternative to the requirements of
333 subsections (a) to (g), inclusive, of this section shall: (A) Document the
334 justification for the requested alternative; (B) describe how the
335 alternative ensures that purchasers or recipients of mercury-added
336 products are made aware of mercury content prior to purchase or
337 receipt; (C) describe how a person discarding the product will be made
338 aware of the need for proper handling to ensure that it does not
339 become solid waste or discharge to the waters of the state or is
340 disposed in a pollution abatement facility or subsurface sewage
341 disposal system; (D) document the capability of all parties necessary to
342 implement the proposed alternative; and (E) describe the performance
343 measures to be utilized by the manufacturer to demonstrate that the
344 alternative is providing effective presale notification and predisposal
345 notification.

346 (3) The commissioner may approve, deny, modify or condition a
347 request for an alternative to the requirements of subsections (a) to (g),
348 inclusive, of this section. An approval shall be for a period of no more
349 than two years and may, upon continued eligibility under the criteria
350 of this section and compliance with the conditions of its prior
351 approval, be renewed. Requests for renewals shall be submitted ninety
352 days before the expiration of the approval. Prior to approving an
353 alternative, the commissioner shall consult with states, provinces and
354 regional government organizations to insure that the commissioner's
355 labeling requirements are consistent with those of other jurisdictions in
356 the region. The commissioner may revoke an approval for cause.

357 Sec. 9. (NEW) (*Effective July 1, 2002*) (a) On and after July 1, 2004, no
358 person shall (1) dispose of a mercury-added product or a mercury-
359 added component in a manner other than by recycling or disposal in
360 accordance with the provisions of section 22a-454 of the general
361 statutes or Subtitle C of the Federal Resources Conservation and

362 Recovery Act of 1976, 42 USC 6901 et seq., as amended, or (2)
363 discharge mercury to the waters of the state, a pollution abatement
364 facility or subsurface sewage disposal system, unless such discharge is
365 in compliance with all local, state and federal applicable requirements.

366 (b) Each permittee of a solid waste facility shall (1) post signs at the
367 facility providing notice of the prohibition of the disposal and
368 incineration of mercury-added products; (2) provide written
369 notification to the facility's customers on a frequency determined by
370 the commissioner of the prohibition on the disposal and incineration of
371 mercury-added products; and (3) implement a plan approved by the
372 commissioner for periodically monitoring incoming wastes to detect
373 the presence of mercury-added products at the facility.

374 (c) Solid waste disposal facilities, scrap metal processors or
375 businesses that accept appliances or vehicles for disposal, reclamation
376 or recycling shall remove mercury-added components, except for
377 lamps used for back lighting and displays, prior to crushing,
378 shredding or processing for disposal or reuse.

379 (d) A formulated mercury-added product that is a cosmetic or
380 pharmaceutical product subject to the requirements imposed by the
381 federal Food and Drug Administration is exempt from the provisions
382 of this section.

383 Sec. 10. (NEW) (*Effective July 1, 2002*) (a) On and after July 1, 2003, no
384 person shall offer any mercury-added product for sale or use by any
385 means, including e-commerce, or distribute for promotional purposes
386 unless the manufacturer either on its own or in concert with other
387 persons has a plan approved by the commissioner for a collection
388 system for such products. If a mercury-added product is a component
389 of another product, the collection system shall provide for removal and
390 collection of the mercury-added component or collection of both the
391 mercury-added component and the product containing it.

392 (b) The collection system shall include (1) a public education

393 program to inform the public about the purpose of the collection
394 program and how to participate in it; (2) a targeted capture rate for the
395 mercury-added product or component; (3) a plan for implementing
396 and financing the collection system; (4) documentation of the
397 willingness of all parties to the system to implement the proposed
398 collection system; (5) a description of the performance measures to be
399 utilized and reported by the manufacturer to demonstrate that the
400 collection system is meeting capture rate targets and other measures of
401 program effectiveness as required by the commissioner; (6) a
402 description of additional or alternative actions that will be
403 implemented to improve the collection system and its operation in the
404 event that the program targets are not met; and (7) a recycling or
405 disposal plan.

406 (c) The commissioner shall encourage a manufacturer, in
407 developing a collection system plan to utilize or expand existing
408 collection and recycling infrastructure where feasible and cost-
409 effective. In the event the manufacturer decides not to utilize existing
410 local collection and recycling infrastructure, the manufacturer shall
411 include in its collection system plan the reasons for its decision to
412 establish a separate collection system.

413 (d) Within one year of approval by the commissioner of the
414 collection system plan, the manufacturer or entity that submitted the
415 plan on behalf of the manufacturer shall complete the implementation
416 of such plan.

417 (e) Two years following the completion of the implementation of the
418 collection system plan required under this section and biennially
419 thereafter, the manufacturer or entity that submitted the plan on behalf
420 of the manufacturer shall submit a report to the commissioner on the
421 effectiveness of the collection system. The report shall include an
422 estimate of the amount of mercury that was collected, the capture rate
423 for the mercury-added products or components, the results of the
424 other performance measures included in the manufacturer's collection

425 system plan, and such other information as the commissioner may
426 require. The commissioner shall make such reports available to the
427 public.

428 (f) The cost for the collection system shall be borne by the
429 manufacturer of the mercury-added product.

430 (g) The commissioner shall review the state regulatory requirements
431 pursuant to chapter 445 of the general statutes governing handling of
432 waste from mercury-added products and, if necessary, may amend
433 regulations as appropriate to facilitate collection.

434 (h) Formulated mercury-added products intended to be consumed
435 in use, including, but not limited to, reagents, cosmetics,
436 pharmaceuticals and other laboratory chemicals, are exempt from the
437 provisions of this section.

438 Sec. 11. (NEW) (*Effective July 1, 2002*) (a) On and after July 1, 2003, a
439 manufacturer of formulated products that contain mercury or a
440 mercury compound from any source or cause, whether intended or
441 unintended, and are offered for sale or use by any means, including e-
442 commerce, or distributed to a health care facility for promotional
443 purposes shall provide both the commissioner and the recipient health
444 care facility a certificate of analysis documenting the range of mercury
445 content of the product. Sampling and analytical techniques used in the
446 analysis shall be capable of detecting mercury to limits of one part per
447 billion or less.

448 (b) The manufacturer shall develop and implement a plan to assure
449 that the certificate of analysis accurately represents the mercury in a
450 formulated product. Such plan shall, at a minimum, include an annual
451 analysis of the formulated product.

452 Sec. 12. (NEW) (*Effective July 1, 2002*) (a) No person shall offer for
453 sale or use by any means, including e-commerce, or distribute for
454 promotional purposes or provide elemental mercury without

455 providing a Material Safety Data Sheet, as defined in 42 USC 11049. On
456 and after July 1, 2003, the seller, distributor or provider shall require
457 the purchaser or recipient at the time of receipt of any elemental
458 mercury to sign a statement that the purchaser or recipient (1) will use
459 the mercury only for medical, dental amalgam dispose-caps, research
460 or manufacturing purposes; (2) understands that mercury is toxic and
461 that the purchaser will store and use it appropriately so that no person
462 is exposed to the mercury; and (3) will not place or allow anyone
463 under the control of the purchaser or recipient to cause the mercury to
464 become solid waste or be discharged into waters of the state or be
465 disposed of in a pollution abatement facility or subsurface sewage
466 disposal system.

467 Sec. 13. (NEW) (*Effective July 1, 2002*) Mercury-added products with
468 a code or date of manufacture indicating they were manufactured
469 prior to July 1, 2002, or mercury-added products for which the
470 manufacturer provides documentation that the product was
471 manufactured prior to July 1, 2002, are exempt from sections 5 to 7,
472 inclusive, of this act and sections 9 and 11 of this act.

473 Sec. 14. (NEW) (*Effective July 1, 2002*) (a) The commissioner, in
474 consultation with other state agencies, may implement a
475 comprehensive program for public education, outreach and assistance
476 for manufacturers, households, waste generators, local and regional
477 solid waste management agencies, businesses, health care facilities,
478 scrap metal processors, recyclers, dismantlers, institutions, schools and
479 other interested groups. This public education, outreach and assistance
480 program may focus on the hazards of mercury; the requirements and
481 obligations of individuals, manufacturers and agencies under this act
482 and voluntary efforts that individuals, institutions and businesses can
483 undertake to help further reduce mercury in the environment. The
484 commissioner, in conjunction with manufacturers of mercury-added
485 products and other affected businesses, may promote the development
486 and implementation of such public education and technical assistance
487 programs.

488 (b) The commissioner may cooperate with other states and
489 provinces and regional organizations in developing public education,
490 outreach and assistance programs.

491 (c) The commissioner may develop an awards program to recognize
492 the accomplishments of manufacturers, municipalities, waste
493 management facilities, waste recycling facilities, household hazardous
494 waste collection facilities, citizens or others who exceed the minimum
495 requirements pursuant to sections 4 to 13, inclusive, of this act, and
496 excel at reducing or eliminating mercury in air emissions or releases.

497 (d) The commissioner shall prepare and publish guidelines for best
498 management practices for dental offices and laboratories. Such
499 guidelines shall not be considered "regulations" as defined in section 4-
500 166 of the general statutes.

501 Sec. 15. (NEW) (*Effective July 1, 2002*) Prior to the issuance of any
502 exemptions as provided in section 7 of this act or approval of
503 alternative labeling requirements, as provided in section 8 of this act,
504 the commissioner shall provide public notice and an opportunity for
505 comment not less than thirty days from such issuance or approval.

506 Sec. 16. (NEW) (*Effective July 1, 2002*) The commissioner shall, in
507 consultation with the Conference of the New England
508 Governors/Eastern Canadian Premiers Environment Committee,
509 review the effectiveness of sections 1 to 17, inclusive, of this act, no
510 later than four years after the effective date of this act and shall
511 provide a report based upon such review to the Governor and the
512 General Assembly. The report shall review the effectiveness of the
513 programs required under sections 1 to 17, inclusive, of this act, and
514 may contain recommendations for improving them. As part of this
515 review, the commissioner shall evaluate the effectiveness of the
516 collection systems established in section 10 of this act, and determine
517 whether additional state authority or targeted capture rates are needed
518 to improve such systems. The commissioner shall evaluate the need for
519 additional incentives for manufacturers of mercury-added products

520 that are below ten milligrams to reduce the amount of mercury in such
521 products.

522 Sec. 17. (NEW) The commissioner may adopt regulations, in
523 accordance with chapter 54 of the general statutes, to implement the
524 provisions of sections 1 to 16, inclusive, of this act, and to establish fees
525 that manufacturers shall pay that are sufficient to cover the costs of
526 administering the provisions of sections 1 to 16, inclusive, of this act,
527 and to implement the provisions of said sections 1 to 16, inclusive.

This act shall take effect as follows:	
Section 1	<i>July 1, 2002</i>
Sec. 2	<i>July 1, 2002</i>
Sec. 3	<i>July 1, 2002</i>
Sec. 4	<i>July 1, 2002</i>
Sec. 5	<i>July 1, 2002</i>
Sec. 6	<i>July 1, 2002</i>
Sec. 7	<i>July 1, 2002</i>
Sec. 8	<i>July 1, 2002</i>
Sec. 9	<i>July 1, 2002</i>
Sec. 10	<i>July 1, 2002</i>
Sec. 11	<i>July 1, 2002</i>
Sec. 12	<i>July 1, 2002</i>
Sec. 13	<i>July 1, 2002</i>
Sec. 14	<i>July 1, 2002</i>
Sec. 15	<i>July 1, 2002</i>
Sec. 16	<i>July 1, 2002</i>

Statement of Purpose:

To restrict the sale and use of products containing mercury to work toward the virtual elimination of the discharge of anthropogenic mercury.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]